

Appl. No. 10/699,617
Response. dated February 14, 2006
Reply to Office action of November 14, 2005

REMARKS

Reconsideration is respectfully requested. Claims 1-10 and 12-26 are now present in the application. No claims are amended.

Claims 1-6, 8-10, 13-18, and 20-26 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Wissman et al. Applicants respectfully traverse.

With regard to the rejection of claim 1, the office action states that Wissman shows a toner adapted to generate and supply a tone packet to a cable under test. Applicant respectfully disagrees. There is nothing in Wissman that approaches the concept of a tone packet. Wissman applies (referring to column 5, line 55 and following) a 0.5 millisecond period 84 kHz square wave burst, with 0.5 millisecond constant voltage signals therebetween. There is no tone packet. There is no concept of a tone packet. Wissman is providing an AC signal for 0.5 milliseconds, and a DC signal for 0.5 milliseconds, repeating this over and over. See FIG. 4A, where between T1 and T2, an AC signal is applied, and between T2 and T3, a DC signal is applied, repeating then with the AC signal between T3 and T4, etc. This is not a tone packet and cannot be equated therewith.

Accordingly, Wissman lacks what claim 1 recites.

Appl. No. 10/699,617
Response, dated February 14, 2006
Reply to Office action of November 14, 2005

With regard to claims 2 and 14, the office action states that Wissman shows a tone packet comprising a synchronization portion 47 and a data portion 45. Item 47 of Wissman is a current regulator. It is not a synchronization portion of a tone packet, and has no relation to a synchronization portion of a tone packet. It is a current regulator block portion of the transmitter circuit of the device described in Wissman. It has nothing to do with a tone packet. Item 45 of Wissman is a micro controller, not a data portion of a tone packet.

With respect to claims 3, 15, the office action states that Wissman shows a tone packet data portion comprising plural portions providing different testing modes. This rejection is not supported by Wissman. Since Wissman does not have the concept of packets, it does not have data portions of packets providing different testing modes.

Regarding claims 4, 16, since Wissman does not have data portions of packets having plural portions providing different testing modes, it cannot be said to meet the wording of claims 4 and 16.

For claims 5, 17, again, these claims depend on claims that recite data portion comprises plural portions providing different testing modes, and that the testing modes include a wire pair test mode. Such a concept is absent from Wissman.

Appl. No. 10/699,617
Response. dated February 14, 2006
Reply to Office action of November 14, 2005

Regarding claims 6 and 18, there is no discussion of wire map mode in Wissman. Accordingly the document cannot anticipate claims 6 and 18.

Referring to claims 8 and 9, the office action says that Wissman show a selector for selecting an operation mode. The existence of such is not explicitly recited by Wissman. The office action says that the oscillator must have the selector to select different frequency. To anticipate under section 102, the concept must be explicitly present in the document cited, which it is not. But even if such a concept was present, it would still be present in a system that does not appreciate or even consider that tone packets would exist or be used.

With regard to claim 10, since claim 10 depends on claim 1, and as noted above, claim 1 is allowable, claim 10 should also be allowable.

Regarding claim 13, the office action states that column 1, lines 22-29 of Wissman teach applying a tone packet to a cable. Applicants respectfully traverse. This claim recites applying a tone packet. Wissman discusses applying a tone. Nowhere does Wissman have the concept of a tone packet. Applying a tone is not the same as applying a tone packet. Applying tones is the prior art, applying an audio frequency voltage signal to a conductor. Applicants' claimed invention provides improvement over this known technology, by use of tone packets, which enable

Appl. No. 10/699,617
Response. dated February 14, 2006
Reply to Office action of November 14, 2005

more refined and advanced operation. Wissman et al do not teach or suggest the concept of using tone packets. There is nothing in Wissman et al that relates to the use of packets in applying tones.

With respect to claims 20, 21, Wissman does not mention a carrier signal. The word "carrier" does not appear anywhere in the document. And, still further, even if the term was present in Wissman, there is nothing in the entire document that teaches or suggests a tone packet, let alone a tone packet employing a carrier signal as at least part of the tone packet. Accordingly the Wissman et al document is not capable of anticipating claims 20 and 21.

Regarding claims 22, 23, 25, 26, these claims are allowable as depending from allowable claims. Again, the concept of tone packets is absent from Wissman, and therefore Wissman cannot anticipate the claims.

With regard to claim 24, the office action says that Wissman discloses in Fig. 3 a toner where tone packets comprise plural quanta. Fig. 3 of Wissman makes no teaching of plural quanta. This concept is absent from Wissman. It is applicants who have taught this. Examples of these plural quanta are discussed in applicants' specification, at the bottom of page 5 (line 24) and following.

Appl. No. 10/699,617
Response. dated February 14, 2006
Reply to Office action of November 14, 2005

Claims 7 and 19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Wissman et al (U.S. 5914608). Applicants respectfully traverse.

As noted above, the concept of tone packets is absent from Wissman. The concept of a carrier frequency is absent also. Even if it were obvious to use 455 kHz in Wissman in place of the 30 to 100 kHz of Wissman, it would not make up for the lack of tone packets in Wissman.

It is respectfully submitted, that in view of the above, claims 1-10 and 13-26 are not anticipated by, nor suggested by Wissman et al.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicants' attorney at 503-224-0115 if there are any questions.

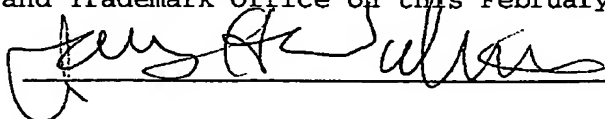
Respectfully submitted,


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Page 10 — RESPONSE (U.S. Patent Appln. S.N. 10/699,617)
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